IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.Rev.Pet.No. 1848 of 2007-A

CC.2285/2003 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI

.....

REVN. PETITIONER: COMPLAINANT:

JAIMON JOSEPH,
PROPRIETOR, NOVEON SYSTEMS, PADMASHI BUILDINGS,
OPP. COCHIN SHIPYARD, M.G.ROAD, COCHIN-682 015.

BY ADV. SRI.SAJI.P.JOSEPH
SRI.SAJITH PAUL MATHEW

RESPONDENTS: ACCUSED:

---

1. YOUR P.C. AND PERIPHERALS PVT. LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, BINNY JOSE,
S.A. ROAD, NEAR SWARAJ MAZDA, KADAVANTHRA,
KOCHI-682 020.

2. BINNY V.JOSE,
MANAGING DIRECTOR, YOUR P.C. AND PERIPHERALS(P)LTD
S.A. ROAD, NEAR SWARAJ MAZDA, KADAVANTHRA,
KOCHI-682 020.

3. JOJI JOSE,
DIRECTOR, YOUR P.C. AND PERIPHERALS PVT. LTD.,
S.A. ROAD, NEAR SWARAJ MAZDA, KADAVANTHRA,
KOCHI-682 020.

4. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1848 OF 2007

DATED THIS THE 28TH DAY OF MAY 2007

ORDER

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The same was dismissed under Section 204(4) Cr.P.C. It is submitted that the lapse was occasioned on account of the mistake of the Advocate's clerk.

In the circumstances and considering the nature of the proceedings, the order of the court below dismissing the complaint is set aside. The court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before the Judicial First Class Magistrate-I, Kochi on 15-6-2007. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.